

The claims call for a rotor disposed inside the housing and having an axial portion projecting from the housing, and a circular resistive portion which moves through said viscous fluid inside said housing, said resistive portion having a smooth outer periphery extending continuously without interruption and flat upper and lower surfaces without a projection. It is submitted that Takanobu cannot meet these requirements.

Takanobu has a disc shaped member with multiple projections 30a - see the first two lines of paragraph [0014] wherein it is set forth that rotatable disc 30 has four projections 30a. Thus, Takanobu is not disclosed as having a rotor with flat upper and lower surfaces or one which does not have projections. In fact, it is disclosed as having projections. Under § 103, it is not seen that this disclosure can be ignored and some other quasi § 102 interpretation advanced merely for the sake of rejection.

The claims further call for the housing to have a circumferential annular groove facing the air retention portions and operating as an air movement passage connecting two of the air retention portions. It is submitted that the fact that the Examiner is unclear as to where or how the air movement passage is located, is indicative that the claimed subject matter has not been fully understood. Merely by way of example, as shown in perspective view in Fig. 11, the annular passage 13a is an example of the claimed air movement passage. In this particular embodiment, this passage is such that it continuously intercommunicates the arc-like through bores 37 irrespective of the relative rotation between the rotor and the housing.

The Sugawara reference is cited as disclosing a rotor 6 having an air retention portion in an arc shape or the portion being formed by elongate through-bore 6c. While this statement

is rendered a little unclear by the use of the "or" therein, it is submitted that the elements 6c are disclosed in FIG. 5c as being arc-shaped slits 6c, which are formed on movable disc 6, and which accelerate the flow of viscous liquid from the circumferential area to the central area of the casing when the disc is turned in the direction of the arrow with rotary shaft 2 in order to ensure a smooth movement of viscous liquid among the discs. See column 11, lines 16-22.

As will be noted, the word "air" is not mentioned in this section of Sugasawara and there is no disclosure of the slits 6 being capable of air retention. Apparently, this is an unfounded assumption by the Examiner. Nevertheless, even if the passages 30c of Takanobu were (*arguendo*) intended for air retention, still there is no reason to consider the teachings of Sugasawara in connection with those of Takanobu. Indeed, there is nothing in either of the cited references to suggest that the passage structure (slits 6c) of Sugasawara would find any application in the Takanobu damper. That is to say, why would accelerating the flow of viscous liquid induce consideration of modifying the embodiment disclosed in Takanobu in connection with air "retention"? It is submitted that any air that would tend to collect would more than likely be expected to be disturbed or flushed away by the increased liquid flow.

Further, the rotor of Sugasawara is flat so that formation of the slits is rendered possible. However, this is such that projections cannot be provided on the rotor. An accurate transfer of teachings to Takanobu would therefore require the removal of the projections 30a and as such would change Takanobu at least to the degree that it would be partially inoperative for its intended purpose.

A review of the marked up drawings which are included in the Office Action would suggest that the Examiner has extrapolated too much § 102 logic into the rejection, and has in effect, mislabeled portions of the Takanobu drawings using a full working of the claimed subject matter, while additionally disregarding the actual disclosure of Takanobu to do so. For example, how does the person of ordinary skill come to the conclusion that there is an "additional annular groove" an "air movement passage" (and then apparently redundantly) "an air movement passage or groove", in the manner indicated without knowledge of what is recited in the claims? Under § 103, hindsight use of the claims is not permitted.

An explanation of how the above interpretation is possible under § 103, if the disclosure of the reference, as would be understood by the person of ordinary skill, is properly taken into consideration, is deemed necessary if this rejection is to be persisted with. The Applicant is particularly curious as to the "additional annular groove" notation and how this would be self-evident to the reader of ordinary skill and further how it is germane to the rejection at hand.

It is respectfully submitted that unless the above requested disclosure be appropriately presented, then the rejection should be withdrawn and the application passed to issue.

The present invention is based on arrangement wherein the air retention portions and the air movement portion are such that the air can move in a manner wherein the air is not subject to compression in the air retention portions and therefore does not generate objectionable noise. It is submitted that this is neither possible nor considered in the arrangement disclosed in Takanobu.

Favorable reconsideration and allowance of this application is respectfully requested.

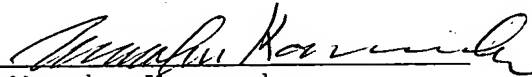
If any amendment is required to advance the application, please contact the undersigned agent.

Two month extension of time is hereby requested. A credit card authorization form in the amount of \$490.00 is attached herewith for the two month extension of time.

Respectfully Submitted,

KANESAKA BERNER & PARTNERS

By



Manabu Kanesaka

Reg. No. 31,467

Agent for Applicants

1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 519-9785